

3627



PATENT
2340-1-008

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#7
1/9/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Richard Polevoy et al
SERIAL NO. : 09/536, 345 EXAMINER : T. Luu
FILED : March 25, 2000 ART UNIT : 3627
FOR : BED FRAME SHIELDS

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

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David A. Jackson, 26,742
(Name of Registered Representative)

David A. Jackson 10/26/01
(Signature and Date)

RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, DC 20231

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Dear Sir:

In response to the Office Action dated September 28, 2001 kindly enter the following election of species and remarks.

REMARKS

In the Office Action dated September 28, 2001, the Examiner has required an election between six (6) species, that of Species I including Figures 1-7; Species II including Figs. 8-14; Species III including Figs. 15-21; Species IV including Figs. 22-26; Species V including Figs 27, 28 and Species VI including Figs. 29-31.

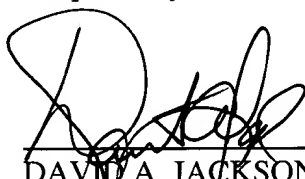
Accordingly, Applicant herein elects the Species I including Figs 1-7 for further prosecution on the merits of this application.

Claims 1-18 and 20, 21-22 (first instance) and 23 are submitted as being readable on that species.

Although Applicant has elected the Species defined by the Examiner as embodied in Figs. 1-7, it should be noted that the Fig. 8-14 embodiment defined by the Examiner as Species II is basically the same structure as that considered as Species I with the only difference being that the Species I is intended for use at the foot of a bed and the Species II is intended for use at the head end of a bed frame. The same is true of the similarity of the Species III and IV where there are some dimensional differences so as to have the bed frame shields more fully cover the leg of the bed frame. Applicant therefore submits that the requirement to separate this invention into the various species is not well founded and a reconsideration of that requirement of an election of a single species is respectfully requested.

Accordingly, with the present election of Species I, a favorable action on the merits is respectfully solicited.

Respectfully submitted,



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